

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AARON MARTINEZ, on behalf of himself and
others similarly situated,

Plaintiff,

-against-

EL NUEVO JAYA RESTAURANT INC.,
AGRIPINA PERALTA, CARLOS PERALTA,
and YOCARLYS D. PERALTA,

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 7/23/18

17cv5938 (DF)

ORDER OF DISMISSAL

DEBRA FREEMAN, United States Magistrate Judge:

In this action under the Fair Labor Standards Act and the New York Labor Law, which is before this Court on the consent of the parties pursuant to 28 U.S.C. § 636(c), the parties, having reached an agreement in principle to resolve the action, have placed their proposed settlement agreement before the Court for approval. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 1999 (2d Cir. 2015) (requiring judicial fairness review of FLSA settlements). The parties have also submitted a lengthy joint letter, explaining why they believe the proposed settlement agreement is fair, reasonable, and adequate. (Dkt. 18.) The Court has reviewed the parties' submissions in order to determine whether the proposed agreement (Dkt. 18-1) represents a reasonable compromise of the claims asserted in this action, and, in light of the totality of the relevant circumstances, including the representations made in the parties' letter, the terms of the proposed settlement agreement, and the Court's familiarity with the nature of the issues raised in the case, it is hereby ORDERED that:

1. The Court finds that the terms of the proposed settlement agreement are fair, reasonable, and adequate, both to redress Plaintiff's claims in this action and to compensate Plaintiff's counsel for their legal fees, and the agreement is therefore approved.

2. The Court notes that the parties have executed a Stipulation and Order of Dismissal (*see* Dkt. 18-2), which recites that "the United States District Court for the Southern District of New York shall retain jurisdiction over all proceedings solely to enforce the terms of the settlement between the parties in this action." The Court further notes that the parties have referenced this language in their settlement agreement (*see* Dkt. 18-1, at Section E ("Judicial Review/Dismissal of the Complaint")), and have specifically brought it to the Court's attention in requesting approval of the settlement and adoption of the proposed Stipulation and Order of Dismissal (*see* Dkt. 18, at 5). In order to effectuate the intent of the parties with respect to enforcement, the Court will retain jurisdiction over this matter, solely for the purpose of enforcing the settlement.

3. As a result of the Court's approval of the parties' executed settlement agreement, this action is hereby discontinued in its entirety with prejudice and without costs or fees to any party. The Clerk of Court is directed to close this case on the Docket of the Court.

Dated: New York, New York
July 23, 2018

SO ORDERED


DEBRA FREEMAN
United States Magistrate Judge

Copies to:

All counsel (via ECF)